

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, ) CRIMINAL ACTION NO.:  
 ) 22-096-CKK  
Plaintiff, )  
vs. )  
 )  
JONATHAN DARNEL, JEAN MARSHALL, ) Washington, D.C.  
JOAN BELL, ) September 12th, 2023  
Defendants. ) 3:15 p.m.  
 ) Afternoon Session

TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE COLLEEN KOLLAR-KOTELLY  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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24 Proceedings recorded by machine shorthand; transcript produced  
25 by computer-aided transcription.

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## Direct Examination (Cont'd) - Biscardi

1

2

## P R O C E E D I N G S

3

THE COURT: Okay. We're ready.

4

(Jury entered the courtroom.)

5

6

THE COURT: All right. We're ready to proceed and continue with the direct of Special Agent Biscardi.

7

MS. ROSS: Thank you, Your Honor.

8

9

Can we please publish -- this is Government's Exhibit 4001A.

10

## DIRECT EXAMINATION (Cont'd)

11

BY MS. ROSS:

12

**Q.** Agent Biscardi, can you just read this text message

13

please?

14

**A.** Yeah. "Once again, it can officially be posted on

15

Facebook around 9:05 to 10:00 a.m." And that was sent on

16

October 20th, 2020, by Defendant Handy to Defendant

17

Geraghty.

18

**Q.** How about just the next text message, please?

19

**A.** Also on October 20th, Defendant Handy sends to Defendant

20

Geraghty, "We are all meeting up at 8:30."

21

**Q.** Thank you.

22

And how many days in advance of the incident is this,

23

Agent Biscardi?

24

**A.** That's two days.

25

**Q.** Thank you.

1 MS. ROSS: And can we please publish for the jury  
2 what has been admitted as Government Exhibit 1017, please.

3 Q. (BY MS. ROSS) Agent Biscardi, we just looked at the text  
4 message between Lauren Handy and Herb Geraghty that said, "It  
5 can officially be posted on Facebook around 9:05 a.m. to  
6 10:00 a.m." Agent Biscardi, if you know, approximately when  
7 did Defendant Darnel begin live streaming the blockade?

8 A. Approximately 9:00 a.m. Just after 9:00 in the morning on  
9 Thursday, October 22nd, 2020.

10 MS. ROSS: And can we please just have the front --  
11 first image of this video. Thank you.

12 Q. (BY MS. ROSS) Agent Biscardi, this is Government  
13 Exhibit 1017. Is this video the start of Defendant Darnel's  
14 live stream?

15 A. Yes, it is.

16 Q. And do you recognize this location?

17 A. I do.

18 Q. Where is this?

19 A. It is out in front of the sidewalk of 2112 F Street  
20 Northwest, Washington, D.C.

21 Q. Thank you.

22 MS. ROSS: Can we please play this video.

23 (Video played.)

24 MS. ROSS: Thank you.

25 No more questions, Your Honor.

## Cross-examination - Biscardi

1 THE COURT: All right. You should take down the  
2 video.

3 All right. Mr. Davis.

4 MR. DAVIS: Couple questions.

5 CROSS-EXAMINATION

6 BY MR. DAVIS:

7 Q. Good afternoon, Agent.

8 A. Afternoon, Counselor.

9 Q. How is it that you went to the Surgi-Clinic on  
10 October 22nd of; 2020?

11 A. I traveled there in my Bucar, my FBI vehicle.

12 Q. You were not directly contacted by the clinic that day,  
13 were you?

14 A. I was contacted by an agent on my squad who was contacted  
15 by a clinic employee. That particular agent was out. She was  
16 on some sort of leave. I forget exactly for what. And so she  
17 tried to put me in contact with the clinic.

18 Q. And was this relationship with the clinic, was that as a  
19 result of prior incidents that had occurred at Surgi-Clinic?

20 A. Potentially in part. I would also say it was due to  
21 outreach that we as a field office do within our community as  
22 a whole.

23 Q. So you're telling us that that wasn't a direct result of  
24 prior protest at Surgi-Clinic?

25 THE COURT: What wasn't? If you could be very

1 specific about what it is.

2 Q. (BY MR. DAVIS) So you're telling us that the relationship  
3 that the FBI had with Surgi-Clinic was not due to prior  
4 protests there?

5 A. That's not what I said, Counselor. I honestly -- I don't  
6 know what the genesis of that relationship is. I do know we  
7 do outreach to the Surgi-Clinic and other similar  
8 organizations and have since continued to do so.

9 Q. Thank you.

10 I'm going to show you Government's Exhibit 305 and ask  
11 you a question about that.

12 THE COURT: All right. I didn't hear what the  
13 exhibit was. What was it?

14 MR. DAVIS: I would like to show you Government's  
15 Exhibit 305, and I would like to ask you a question about  
16 that.

17 THE COURT: Sure. 305, just 305?

18 MR. MACHADO: 3005.

19 THE COURT: Oh, okay.

20 MR. DAVIS: Madame clerk, if you could hook me up  
21 here, that would be great.

22 THE CLERK: Your laptop?

23 MR. DAVIS: Yes.

24 THE COURT: 3005 has been admitted.

25 MR. DAVIS: Apologize for my slowness here.

## Cross-examination - Biscardi

1 THE COURT: If it's faster, do you want to ask the  
2 government? They might be able --

3 MR. DAVIS: No, Your Honor, I just wanted to make it  
4 a little bit bigger so it was visible.

5 THE COURT: Okay.

6 Q. (BY MR. DAVIS) Now, Agent, I direct your attention to  
7 Government's Exhibit 3005. Do you recognize Caroline Davis in  
8 this photograph?

9 A. I do, yes.

10 Q. And could you circle her for us, please?

11 A. Sure. (Indicating.)

12 Q. And are you familiar with her due to your investigation?

13 A. Yes, we are.

14 Q. And actually, she's a witness for the prosecution;  
15 correct?

16 A. She is a government witness, that is correct.

17 Q. So you've -- you've interviewed her?

18 A. We have, yes.

19 MR. DAVIS: I have no further questions. Thank you,  
20 Agent.

21 THE COURT: Mr. Machado.

22 MR. MACHADO: Actually, Your Honor, no questions.  
23 Thank you.

24 THE COURT: All right. Ms. Bell?

25 MS. BELL: No questions.



## Cross-examination - Biscardi

1 THE COURT: All right. You can step down, sir.

2 THE WITNESS: Thank you, Your Honor.

3 THE COURT: Let's call your next witness.

4 MS. ROSS: Your Honor, the next witness will be  
5 Shampy Holler.

6 THE COURT: All right. Ms. Ross, do you know how to  
7 get the circles off the video?

8 MS. ROSS: Yes, Your Honor.

9 THE COURT: While we're waiting around. Thank you.

10 All right. If you would step up over here, please,  
11 to the witness box. All right. If you would step up, and we  
12 need to swear you in. We need to swear you in.

13 MS. HOLLER: Okay.

14 THE COURT: So if you raise your right hand.

15 THE CLERK: Raise your right hand.

16 THE COURT: Can you not hear her? You can stand up.  
17 Go ahead. It's been a long day.

18 SHAMPY HOLLER,  
19 called as a witness, being first duly sworn, was examined and  
20 testified as follows:

21 THE WITNESS: I swear I say all the truth.

22 THE COURT: All right. You can go ahead and sit  
23 down.

24 THE WITNESS: Thank you.

25 THE COURT: The chair moves up so you're closer to

## Direct Examination - Holler

1 the microphone. And if you could speak --

2 MS. ROSS: Hi, Ms. Holler, how are you?

3 THE WITNESS: Good, thank you.

4 THE COURT: Is it working?

5 Make sure you speak in a loud, clear voice.

6 THE WITNESS: Okay.

7 THE COURT: If you see somebody stand and say  
8 they're objecting, if you have not started to answer, don't.  
9 If you're in the middle of the answer, please stop and let me  
10 hear what they're objecting about and then it will -- I'll let  
11 you know if you can answer it. Okay?

12 THE WITNESS: Okay.

13 THE COURT: Thank you.

14 DIRECT EXAMINATION

15 BY MS. ROSS:

16 Q. Ms. Holler, will you please just tell the jury your first  
17 and last name?

18 A. Hello, I'm Shampy Holler.

19 Q. Ms. Holler, where did you live in 2020, generally?

20 A. In Ohio.

21 Q. Did you immigrate to the United States from India?

22 A. Yup.

23 Q. When?

24 A. 2017, June.

25 Q. When you moved to the United States from India, did you

## Direct Examination - Holler

1 live in Ohio?

2 A. Yes.

3 Q. Were you married?

4 A. Yes.

5 Q. Are you currently married?

6 A. Yes.

7 Q. How long have you been married for?

8 A. 13 years, plus.

9 Q. Where do you work, Ms. Holler?

10 A. I'm homemaker.

11 Q. Let me just talk about October 2020. In October 2020, did  
12 you come to Washington, D.C. from Ohio?

13 A. Yes.

14 Q. Did you come with your husband?

15 A. Yes.

16 Q. Were you pregnant at the time?

17 A. Yes.

18 Q. Why did you come to Washington, D.C. in October 2020?

19 A. I had to terminate my pregnancy.

20 Q. Did you want to have a child?

21 A. Yes.

22 Q. Was there something wrong with the pregnancy?

23 A. Yes.

24 Q. Do you know what was wrong?

25 A. Yes. Doctor said the child was not physically fully

## Direct Examination - Holler

1 developed. There was some physical issue with that child.

2 Q. When you first learned that there was something wrong with  
3 your pregnancy, did you talk to a doctor?

4 A. Yes.

5 Q. And after the doctor told you that there was something  
6 wrong with the pregnancy, did you talk to another doctor?

7 A. Yes.

8 Q. What did that second doctor tell you?

9 A. The same thing. It will be risky.

10 Q. And after you talked to that second doctor, did you talk  
11 to a third doctor?

12 A. Yes.

13 Q. And what did that third doctor tell you?

14 A. The same thing, that was well said.

15 Q. Ultimately, what did the doctors recommend that you do  
16 with your pregnancy?

17 A. They said the child is not physically developed. And they  
18 just listened the heart beat only. No other body part was  
19 seen at that time. All three doctors said the same thing.  
20 They said it's up to you if you want to continue. Maybe the  
21 child will not live after birth or if he were alive, he is not  
22 physically fit.

23 Q. Based on what the doctors told you --

24 A. Yes.

25 Q. -- what did you decide to do?

## Direct Examination - Holler

1     **A.** After all three doctors -- when the doctor said all these  
2     thing, we decided to terminate that thing.

3     **Q.** Was that a difficult decision for you and your husband?

4     **A.** Yes, it was very difficult.

5     **Q.** Were you able to terminate the pregnancy in Ohio,  
6     Ms. Holler?

7     **A.** No.

8     **Q.** Do you know why not?

9     **A.** Because of some laws, in that laws we are not allowed to  
10    do in Ohio.

11    **Q.** Because you cannot terminate the pregnancy in Ohio, did  
12    you make an appointment here in Washington, D.C.?

13    **A.** Yes.

14    **Q.** And was that in October of 2020?

15    **A.** Yes.

16    **Q.** Do you remember how many appointments you had to make?

17    **A.** Yes; three.

18    **Q.** Three. Does that mean you had to spend at least three  
19    days here in Washington, D.C.?

20    **A.** Yes.

21    **Q.** Do you remember what the first appointment was for?

22    **A.** It was just only the form fillings and the primary  
23    medicines only.

24    **Q.** When you went to the clinic on the first day, did you go  
25    with your husband?

## Direct Examination - Holler

1 A. Yes.

2 Q. And did you have any trouble entering the clinic reception  
3 area?

4 A. No.

5 Q. Did you have any trouble entering the treatment area?

6 A. No.

7 Q. Do you remember what the second appointment was for?

8 A. Sorry?

9 Q. Do you remember what the second appointment was for at the  
10 clinic?

11 A. Second appointment, during second appointment, there is no  
12 issue -- there was not an issue.

13 Q. Did you go to the clinic on the second day with your  
14 husband as well?

15 A. Yes.

16 Q. Did you have any trouble entering the reception area?

17 A. No.

18 Q. Did you have any trouble entering the treatment area?

19 A. No.

20 Q. And did you have a third appointment?

21 A. Yes.

22 Q. On the third day, how were you feeling before you went to  
23 the clinic?

24 A. I was in pain. There are so many people, we cannot enter  
25 into the clinic because of them.

## Direct Examination - Holler

1 Q. What kind of pain were you in, Ms. Holler?

2 A. It was labor pain, huge pain.

3 Q. On that third day, was your appointment scheduled for  
4 first thing in the morning, around 9:00 a.m.?

5 A. Yeah.

6 Q. And when you got to the clinic on the third day, and you  
7 were experiencing labor pain, did you have trouble accessing  
8 the reception area?

9 A. Yes.

10 Q. Can you please just describe generally what happened?

11 A. There was so many people. They were stopping us to enter  
12 into the clinic. Some were stand and some were -- some were  
13 down on their knee, and do something with -- but they just  
14 said not to enter into the clinic, you are not -- it's not  
15 good, don't enter.

16 Q. And did you try to go into the reception area of the  
17 clinic?

18 A. Yes.

19 Q. Were you able to get into the reception area?

20 A. No.

21 Q. Do you remember what anybody said to you when you tried to  
22 get into the reception area of the clinic?

23 A. No. They just blocked gate. They just blocked the  
24 gate.

25 Q. Do you remember what your husband was doing?

## Direct Examination - Holler

1     **A.** He was somehow made possible me to enter into the clinic  
2 because I was in pain.

3     **Q.** Did you have to lie down in the hallway?

4     **A.** Yes.

5     **Q.** Why did you have to do that?

6     **A.** I was in pain. I was not able to stand at that time.

7     **Q.** While you were lying down in the hallway, what was your  
8 husband doing?

9     **A.** He was helping -- supporting me, but he was also trying me  
10 to enter.

11    **Q.** Ms. Holler, prior to your testimony here today, did you  
12 have a chance to review video of the hallway of the clinic?

13           Prior to today, were you able to review what was on a  
14 CD?

15    **A.** Yes.

16    **Q.** And was that video taken from the hallway of the clinic?

17    **A.** Yes.

18           MS. ROSS: Your Honor, permission to approach.

19           THE COURT: Yes.

20    **Q.** (BY MS. ROSS) I'm going to hand you, Ms. Holler, what's  
21 been marked as Government's Exhibit 1079B.

22    **A.** Okay.

23    **Q.** Ms. Holler, prior to today, did you watch the video that  
24 was on that CD?

25    **A.** Yes.



## Direct Examination - Holler

1 Q. And did you initial it?

2 A. Yes.

3 Q. And what you watched on that CD, did you see yourself?

4 A. Yes.

5 Q. Are you in that video?

6 A. Yes.

7 Q. And is that a true and accurate representation of what  
8 happened to you on that day?

9 A. Yes.

10 Q. Did it appear to be altered in any way?

11 A. No.

12 MS. ROSS: Your Honor, the government moves to admit  
13 and publish for the jury what's been marked as Government  
14 Exhibit 1079B.

15 MR. MACHADO: No objection.

16 THE COURT: All right. I don't see any objection,  
17 so I'll admit 1079B, as in boy, without opposition.

18 MS. ROSS: Thank you, Your Honor. And can we please  
19 publish it for the jury?

20 Q. (BY MS. ROSS) Ms. Holler, do you recognize the people on  
21 the video screen?

22 A. Yes. Me and my husband.

23 Q. Are you there in the maroon top?

24 A. Yeah, I'm --

25 Q. And is your husband behind you in the blue sweatshirt?

1     **A.** Yes.

2     **Q.** At this point, were you trying to get into the reception  
3     area of the clinic?

4     **A.** Yes.

5     **Q.** Were you able to get in?

6     **A.** No.

7     **Q.** Why not?

8     **A.** Because the people are not allowing me to enter.

9     **Q.** Thank you.

10                 MS. ROSS: Can we continue playing, please.

11                 (Video played.)

12     **Q.** (BY MS. ROSS) Ms. Holler, after you couldn't get into the  
13     reception area of the clinic, did you try to get into the  
14     clinic in a different way?

15     **A.** Yes.

16     **Q.** Looking at the video at this point, were you able to get  
17     into the clinic through the different door?

18     **A.** No.

19     **Q.** Why not?

20     **A.** That door was closed, the door that this is also the door  
21     of that clinic.

22     **Q.** Thank you.

23                 MS. ROSS: Can we continue playing.

24                 (Video played.)

25     **Q.** (BY MS. ROSS) Ms. Holler, where are you in this video

## Direct Examination - Holler

1 right now?

2 **A.** I just laid down over there, floor, on the floor.

3 **Q.** Why did you fall to the floor, Ms. Holler?

4 **A.** I was not able to stand properly.

5 **Q.** Why not?

6 **A.** It was heavy pain.

7 MR. MACHADO: Your Honor --

8 THE COURT: Excuse me, there seems to be some  
9 objection.

10 MR. MACHADO: Just objection, 403, Your Honor.

11 THE COURT: I'm sorry? I've already ruled on this,  
12 I believe.

13 MR. MACHADO: Okay.

14 THE COURT: So your objection has already been  
15 noted --

16 MR. MACHADO: Yes, Your Honor.

17 THE COURT: -- and preserved. You don't need to do  
18 it again.

19 MR. MACHADO: Thank you.

20 THE COURT: Go ahead.

21 **Q.** (BY MS. ROSS) Ms. Holler, why did you fall to the  
22 floor?

23 **A.** I was in pain.

24 **Q.** What was your husband doing at this point?

25 **A.** My husband is searching any way to make me enter into the

## Direct Examination - Holler

1 clinic somehow.

2 Q. At this point, was he able to find a way into the  
3 clinic?

4 A. No.

5 Q. Thank you.

6 MS. ROSS: Can we continue playing.

7 (Video played.)

8 Q. (BY MS. ROSS) Ms. Holler, are you still on the ground at  
9 this point?

10 A. Yes.

11 Q. Do you see the woman in the blue bandana touching you?

12 A. Yes.

13 Q. Do you know her?

14 A. No.

15 Q. Did you want her to touch you?

16 A. No.

17 Q. Do you remember anything that she was saying?

18 A. No. She was just saying, I think, "don't do this, don't  
19 do this, this is not good," something like that.

20 Q. Thank you.

21 MS. ROSS: Can we please continue playing.

22 (Video played.)

23 Q. (BY MS. ROSS) Ms. Holler, did you see yourself try to get  
24 up there?

25 A. Yeah. Somehow that door was little bit open. My husband

## Cross-examination - Holler

1       tried me to enter there, but I could not, again.

2       **Q.** And, Ms. Holler, as you tried to get up, did you see the  
3       woman try to push you back down?

4               MR. DAVIS: Objection.

5       **A.** Yes.

6               THE COURT: Sustained.

7       **Q.** (BY MS. ROSS) Ms. Holler, do you remember what the woman  
8       did as you tried to get up?

9       **A.** Yeah -- no, I think she -- she was pushing me to down.

10      **Q.** Thank you.

11              MS. ROSS: Can we continue playing.

12              (Video played.)

13      **Q.** (BY MS. ROSS) Ms. Holler, the entire time that you are on  
14      the ground in the hallway, were you experiencing pain?

15      **A.** Yes.

16      **Q.** Were you eventually able to get into the clinic that  
17      day?

18      **A.** Yeah. But after long struggle, my husband found a way,  
19      and the nurse somehow picked me into the room.

20              MS. ROSS: Thank you. No more questions.

21              THE COURT: All right. You can take the video down.

22              Cross.

23              MR. MACHADO: Very briefly, Your Honor.

24                           CROSS-EXAMINATION

25      BY MR. MACHADO:

1 Q. Good afternoon, ma'am.

2 A. Good afternoon.

3 Q. My client is this woman in the back.

4 THE COURT: You need to speak into the microphone.  
5 I can't hear you.

6 MR. MACHADO: I'm sorry.

7 Q. (BY MR. MACHADO) My client is the woman in the back. She  
8 was the one with the blue bandana.

9 A. Okay.

10 Q. The one that was talking to you when you were on the  
11 ground.

12 A. I don't remember actually.

13 Q. That's fine. Do you recall talking --

14 THE COURT: Can you speak up so we can have a  
15 record? Being gentle is nice, but we need a record.

16 Q. (BY MR. MACHADO) Do you recall being asked about whether  
17 you had some seaweed or something called laminaria in you?

18 Do you know what that is?

19 A. No.

20 Q. Okay. Do you recall her asking you about whether you were  
21 feeling well or not?

22 A. I don't remember.

23 Q. Okay. Do you -- so you can't remember one way or another  
24 what she was saying to you?

25 A. I just remember, "don't do this, this is not good."

1 Q. Okay.

2 A. Nothing else.

3 Q. Okay.

4 MR. MACHADO: All right. I have nothing further.

5 THE COURT: Mr. Davis.

6 MR. DAVIS: I just have one question, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. DAVIS:

9 Q. Ma'am, when the prosecutor asked you what the lady did  
10 when you tried to get up, you said, "I think she pushed me."  
11 Is it possible she was trying to assist you up?

12 A. As I told you, I don't remember what was happen on that  
13 day. But when I watch that video, it seems like she was not  
14 allowing me to enter into the room.

15 MR. DAVIS: Okay. Thank you.

16 THE COURT: Ms. Bell?

17 MS. BELL: No questions.

18 THE COURT: All right. Any redirect?

19 MS. ROSS: No, Your Honor. Thank you.

20 THE COURT: All right. You can step down.

21 THE WITNESS: Okay.

22 THE COURT: You're finished.

23 THE WITNESS: Thank you.

24 THE COURT: If we could take a quick break for a  
25 minute, if she could wait one second.

1           We're going to take a quick break, if you could  
2 just -- five minutes.

3           (Jury left the courtroom.)

4           THE COURT: All right. I want to make sure that  
5 nobody follows her out or tries to speak to her, please.  
6 Okay. So I just want to make sure.

7           I want to check on one quick thing and I'll be right  
8 back. Don't leave.

9           (A recess was taken.)

10          THE COURT: I truly meant a minute. I asked people  
11 to wait. Okay. If you're not going to wait, then I'll tell  
12 you anyway without everybody being here.

13          The reason I took a break is I had indicated in my  
14 ruling that I would give an instruction. So I have an  
15 instruction to give. All right. So is everybody back? No.  
16 I told you all a minute and I meant a minute. All right. I  
17 wanted to make sure I had the right instruction to give, which  
18 I had indicated when I ruled on your motions in limine.

19          Plus, Mr. Machado, you did not have to, you know,  
20 renew your objection. I had told you that when you do it, you  
21 don't need to keep popping up to do it. It does break up the  
22 testimony. I will say it does accomplish that purpose.

23          So bring the jury out.

24          No comment from you is probably best.

25          And I will read the instruction which I had said I



## Cross-examination - Holler

1 would do specifically for her, since the motion in limine  
2 indicated that between the two, this one was considered the  
3 more prejudicial or emotional.

4 MS. ROSS: Your Honor, may the witness be excused?

5 THE COURT: I'm sorry?

6 MS. ROSS: May the witness be excused?

7 THE COURT: Yes. I just wanted to make sure I told  
8 everybody not to do anything.

9 MS. ROSS: Thank you. We appreciate that, Your  
10 Honor.

11 THE COURT: Because we've had problems.

12 Do you have the next witness ready?

13 MR. PATEL: Yes.

14 THE COURT: Okay. Is that going to be Ms. Davis?

15 MS. ROSS: Yes.

16 THE COURT: Okay.

17 (Jury entered the courtroom.)

18 THE COURT: All right. Turned out to be more than a  
19 minute, but I wanted to give you an instruction. I wanted to  
20 make sure that I had done it correctly. But it relates to  
21 Ms. Holler's testimony.

22 So, members of the jury, you heard testimony from  
23 Ms. Holler regarding the circumstances of her pregnancy and  
24 why she sought to terminate her pregnancy on October 22nd,  
25 2020. You are to consider this testimony only for the purpose

1 of determining whether one or more of the defendants in this  
2 case obstructed Ms. Holler in her alleged efforts to receive  
3 abortion services that day and for no other purpose. And  
4 again, I'll remind you that this case is not about the  
5 propriety of abortion or one form of abortion or another.

6 I would also remind you that when I instruct you to  
7 consider evidence for a limited purpose, you may only consider  
8 the evidence for that limited purpose. So this is an  
9 instruction relating to the circumstances of her pregnancy and  
10 why she sought to terminate her pregnancy.

11 All right. So we're ready to move on to the next  
12 witness. And you'll get these instructions with the final  
13 ones as well.

14 MR. PATEL: Your Honor, the government calls  
15 Caroline Davis. I'll go and get her.

16 THE COURT: All right. Ms. Davis, if you would step  
17 up here, and we need to swear you in.

18 THE CLERK: Raise your right hand.

19 CAROLINE DAVIS,  
20 called as a witness, being first duly sworn, was examined and  
21 testified as follows:

22 THE WITNESS: I do.

23 THE CLERK: Please be seated.

24 THE COURT: All right. The chair moves up. And you  
25 need to speak into the microphone so we have a clear record.

## Direct Examination - Davis

1 I'd ask that you allow counsel to finish their question before  
2 you start to answer, and they should wait for you to finish  
3 your answer before they move on. All right. So you're not  
4 speaking at the same time. If you hear the word "objection"  
5 or see them stand -- they're going to -- if you haven't  
6 started to answer, don't. If you're in the middle of the  
7 answer, please stop, let me hear the objection and then I can  
8 indicate whether you should answer it. All right?

9 MR. PATEL: May I proceed, Your Honor?

10 THE COURT: Yes.

11 DIRECT EXAMINATION

12 BY MR. PATEL:

13 Q. Good afternoon, Ms. Davis.

14 A. Good afternoon.

15 Q. Can you introduce yourself to the jury, please?

16 A. Yes. My name is Caroline Davis.

17 Q. Ms. Davis, how old are you?

18 A. I'm 25 years old.

19 Q. What state do you currently live in?

20 A. Georgia.

21 Q. Are you currently working?

22 A. Yes.

23 Q. What are you doing for a living?

24 A. I work as a paralegal at a criminal defense law firm.

25 Q. You mentioned that you currently live in Georgia. Did you

1 ever -- were you born and raised in Georgia?

2 **A.** I was born in Georgia, and I lived there until I was  
3 around 11 or 12 years old.

4 **Q.** And following when you turned 11 or 12, did you leave  
5 Georgia and live in several different states?

6 **A.** Yes.

7 **Q.** Can you tell us the chronology of where you lived after  
8 you first left Georgia through to when you returned to  
9 Georgia?

10 **A.** Yes. So I was in Georgia until 11 or 12. Then I moved to  
11 Austin, Texas. I was there until the day after I turned 18  
12 and moved to Pensacola, Florida. I went to a college there.  
13 I briefly stayed in Atlanta for a little bit. I briefly  
14 stayed in Dallas. But I ended up moving to Lapeer, Michigan.  
15 I lived in Lapeer, Michigan for a bit. I lived in Davison,  
16 Michigan for a little bit, moved back to Lapeer, Michigan, and  
17 then I moved down to Atlanta, Georgia, recently, only about  
18 almost two years ago, it was May of 2021, to take care of my  
19 grandfather, my late grandfather.

20 **Q.** During what years did you live in Michigan?

21 **A.** Let's see, I was in Michigan from the years of 2017 until  
22 2021.

23 **Q.** During the time you were living in Michigan, did you  
24 become involved in the pro-life movement?

25 **A.** Yes.

1 Q. While you lived in Michigan, did you meet a woman named  
2 Heather Idoni?

3 A. Yes, I did.

4 Q. When did you meet Ms. Idoni?

5 A. I would have met Ms. Heather Idoni around probably April  
6 or May of 2020.

7 Q. And how did you meet her, just very generally?

8 A. Out in front of an abortion clinic.

9 Q. What were you doing in front of the abortion clinic?

10 A. I was like protesting, offering help to moms.

11 Q. You were protesting against abortion services?

12 A. Yes.

13 Q. What type of relationship did you develop with Ms. Idoni  
14 after you met her?

15 A. It was a very mother-daughter relationship.

16 Q. How often would the two of you communicate?

17 A. We almost communicated on a daily basis, constantly. We  
18 worked together out at the abortion clinics in Michigan.

19 Q. Tell us about your involvement in the pro-life movement  
20 during the time you lived in Michigan.

21 A. It started out with me finding an abortion clinic closest  
22 to me when I got passionate about the subject. And when I was  
23 going out there with all my free time away from my job, I met  
24 some different individuals that got me hyped up about the  
25 rescue movement. And so then I started participating in those

1 as well.

2 Q. When you got hyped up and involved in this rescue  
3 movement, did you participate in any clinic blockades during  
4 the time you lived in Michigan?

5 A. Yes, I did. I participated in two specifically in  
6 Michigan and in Tennessee where I actively blocked the doors  
7 of abortion clinics.

8 Q. Were you charged in relationship to those -- your  
9 participation in those blockades?

10 A. Yes, I was.

11 Q. We'll talk about that later, but before -- before we get  
12 into your involvement in this case, you mentioned the word  
13 "rescue." What does that mean to you?

14 A. The act of rescue to me is when a person -- I used to  
15 believe that it meant to put yourself in between the victim  
16 and the aggressor. So with abortion, it was the idea of  
17 blocking the ability for the aggressor to kill the baby, to  
18 commit the abortion.

19 Q. Is that a commonly -- or based upon your experience, your  
20 knowledge, and the pro-life movement, was that a commonly used  
21 term to refer to preventing women from obtaining or clinics  
22 from providing abortion services?

23 A. Yes.

24 Q. Are you familiar with a clinic blockade that occurred here  
25 in D.C. in October of 2020?

1     **A.** Yes.

2     **Q.** Was that at the Washington Surgi-Clinic?

3     **A.** Yes.

4     **Q.** Were you at the clinic on the day it was blockaded?

5     **A.** Yes, I was.

6     **Q.** How did you learn about the Washington Surgi-Clinic  
7     event?

8     **A.** Through Heather Idoni.

9     **Q.** And how did Ms. Idoni learn about it?

10    **A.** My understanding is she heard that Joan was going to be  
11    participating in a rescue, and she wanted to be there because  
12    she looked at Joan as one of her heroes. Yeah.

13    **Q.** Did you later learn who this Joan individual is?

14    **A.** My understanding is that Joan had done many, many rescues  
15    over the years. And so she had apparently written a book  
16    about it, and Heather was telling me about that and how she  
17    was so excited to be with her. That was my only knowledge of  
18    who Joan was. And I met Joan at the gathering the day before  
19    the rescue in D.C.

20    **Q.** Okay. We'll talk about that meeting that you had with  
21    Joan. But when you first learned about this from Heather  
22    Idoni, did she use a word in reference to what was going to  
23    happen here in D.C.?

24    **A.** She said that we were going to rescue.

25    **Q.** Rescue?

1     **A.** Uh-huh.

2     **Q.** And when you mentioned or you discussed what rescue means  
3     a little earlier, I think I heard you use the word "interpose"  
4     or "interposition"; is that right?

5     **A.** Yes.

6     **Q.** Can you describe what that means and its relationship to  
7     the word "rescue" as it's used in the pro-life movement?

8     **A.** Yes. From my understanding, it's referred to as the  
9     historical Christian Doctrine of Peaceful Interposition, where  
10    Christians believe that it's their job to interpose themselves  
11    for the innocent, the way that Jesus Christ interposed himself  
12    for everyone else, or everyone.

13           So the concept is to put yourself in their place, to  
14    receive the beating on their behalf, to -- you know, to become  
15    a martyr for the babies.

16    **Q.** So does the concept of interposition, as it's understood  
17    in the term "rescue" by you, mean essentially to -- as an act  
18    to prevent abortions from taking place?

19    **A.** That is correct.

20    **Q.** What is your understanding of the different types of  
21    rescues that are available for those in the pro-life movement  
22    who want to participate in such an event?

23    **A.** Yeah, there's rescues that are legal, and then there's  
24    rescues that are illegal. So there's rescues that are when  
25    you stand in the public easement and you call out, use your



1 voice. And you open your mouth for the weak and the  
2 destitute, to quote, you know, the Bible and what the pro-life  
3 movement would hold to for Christians.

4 Then there's also red rose rescues, where people don't  
5 want to risk committing the FACE Act, like breaking the FACE  
6 Act, so they don't block the doors. Usually they'll go inside  
7 the clinic or just go into the parking lot of the abortion  
8 clinic, so that as to not be charged with FACE. And then  
9 there's obviously the blockade rescue like the one that part  
10 happened in D.C.

11 **Q.** You just mentioned the word "FACE Act" or you referenced  
12 the FACE Act. What is your understanding of what that is?

13 THE COURT: Mr. Patel, can you keep your voice up?  
14 I know it's at the end of the day.

15 MR. PATEL: I'm sorry, Judge.

16 **Q.** (BY MR. PATEL) Ms. Davis, what is your understanding of  
17 the FACE Act is?

18 **A.** The FACE Act from my understanding, is the Freedom to  
19 Access Clinic Entrance Act, which was brought in by the  
20 Clinton administration. And it was brought about to try and  
21 shut down the rescue movement back in the '80s and the '90s.  
22 And basically it makes it a possible misdemeanor felony if you  
23 block the doors or if you harm someone or anything like that,  
24 hinder someone from getting an abortion.

25 MR. MACHADO: Objection, legal conclusion, Your

1 Honor.

2 THE COURT: This is what her understanding of it is.  
3 It's -- obviously the Court will give you an instruction of  
4 what the statute says. So this is strictly what her  
5 understanding is, not necessarily the way you're going to be  
6 instructed.

7 Q. (BY MR. PATEL) Ms. Davis, do you understand -- is your  
8 understanding of the FACE Act, is that it's a federal law?

9 A. That is my understanding.

10 Q. And it's a federal crime if you are charged with a FACE  
11 Act offense?

12 A. Yes.

13 Q. Were you charged with FACE Act offenses for your  
14 participation in those blockades that you mentioned earlier  
15 from Detroit and Nashville?

16 A. I was.

17 Q. Or Tennessee? I'm sorry.

18 A. Yeah.

19 Q. Okay. What is your understanding of the interplay between  
20 the FACE Act and rescues?

21 A. Well, I was always told that if I did participate in a  
22 rescue that included blockading, that there was a chance that  
23 I could be charged with FACE.

24 So I was told that there was a possibility of going to  
25 prison and that every time you did it, you were risking that,

1 but that, you know, that it's your job as a Christian, you  
2 don't -- you know, you'd rather go to jail than go to hell,  
3 like that's the big quote, so you have to be a martyr.

4 Q. So you talked about there being different types of  
5 rescues.

6 A. Uh-huh.

7 Q. Can you explain what a traditional rescue is?

8 A. My understanding of a traditional rescue is where you go  
9 and put yourself in front of the doors of the abortion clinic,  
10 and you try to sit there as peacefully as you can and ensure  
11 that you are there as long as you can be to try and get the  
12 clinic shut down for the day.

13 Q. And is there a name for a type of rescue where that  
14 involves locks and chains?

15 A. Yeah, it's usually called a lock-and-block rescue.

16 Q. And can you describe what with a little more detail what  
17 your understanding of a lock-and-block rescue is?

18 A. My understanding of a lock-and-block rescue is using  
19 different techniques with different ways of securing yourself  
20 to obstruct the entry of the clinic to keep yourself there as  
21 long as possible.

22 So it's basically a time -- like a time killer, to try  
23 and keep you there longer, keep the clinic shut down for  
24 longer kind of thing.

25 Q. And what's the point of trying to keep the clinic shut

1 down longer using locks and chains?

2 **A.** Well, the longer that the clinic is shut down, the more  
3 chance you have that abortions won't happen there that day.

4 **Q.** Are there other tactics that are -- that you have used to  
5 further delay or keep a clinic closed when you would  
6 participate in a rescue?

7 **A.** Me, specifically?

8 **Q.** Yes.

9 **A.** Specifically, I pretty much just sat down, sang, and  
10 talked to women that came at the door, but I didn't ever  
11 lock-and-block myself. And I never went limp. That's another  
12 technique used to buy time.

13 **Q.** What is your understanding of different techniques that  
14 are used to buy more time?

15 **A.** Could you -- like how do you mean my understanding of?

16 **Q.** Why would -- why would a rescuer want to buy more time  
17 before they're arrested?

18 **A.** To try and get the clinic shut down for as long as  
19 possible. So if that means like talking to the police and  
20 having an argument with them in hopes that, you know, the  
21 police might change their minds and sit down with you, or  
22 things like that. Anything you can do to try and keep the  
23 clinic shut down so that abortions won't happen for the day.

24 **Q.** You mentioned something about going limp. Did I hear you  
25 correctly? What is that and why would somebody do that?

1     **A.** Yeah, it was talked about at the prep for this rescue in  
2     D.C. Going limp is a technique used by many to make it as  
3     difficult as possible for the police officers to remove you  
4     from in front of the door. So that buys more time. It takes  
5     them longer to get you away, makes it harder.

6     **Q.** Let's finish that thought. And what does -- what is the  
7     point of it taking the police a longer time to remove --

8     **A.** Yeah --

9     **Q.** -- a rescuer?

10    **A.** Sorry.

11           Yeah, it's just to make sure that abortions don't happen  
12    that day.

13    **Q.** Did you have -- when you first learned about this rescue  
14    that was going to take place in D.C. from Ms. Idoni, did you  
15    have any conversations with her about the FACE Act?

16    **A.** Yes. We discussed the FACE Act, definitely the night  
17    before the rescue, but I don't know if we discussed it  
18    previous to that. My memory's a little fuzzy on it.

19    **Q.** Do you remember ever having discussions with Ms. Idoni  
20    about the FACE Act before you came to D.C. --

21    **A.** Yes.

22    **Q.** -- to participate in the rescue?

23    **A.** Yes. We talk- --

24    **Q.** Tell us about that.

25    **A.** Well, back when Heather and I had participated in another

1 rescue in Michigan, we had to have long discussions about it,  
2 about the FACE Act and what the penalties were. And Heather  
3 talked about how the Lord had delivered her from facing the  
4 FACE Act, the FACE Act penalties before in previous rescues  
5 that she participated in.

6 **Q.** How did Ms. Idoni contact you first in connection with the  
7 event that was going to take place here in D.C.?

8 **A.** She contacted me on Facebook Messenger.

9 **Q.** Do you remember what that message was?

10 **A.** It was something along the lines of like there's going to  
11 be a rescue in D.C. And she told me that Eva Zastro was going  
12 to be driving her car. And she ended up doing that only part  
13 of the time. And I just kind of wanted to participate at the  
14 time.

15 **Q.** Who's Eva Zastro?

16 **A.** Eva Zastro is -- she was one of my close friends who was  
17 part of the rescue movement. Her dad is the one who discipled  
18 me in the culty rescue movement. And she -- she actually went  
19 with us to this D.C. rescue.

20 **Q.** Eva and her dad are from Michigan?

21 **A.** Yes. But it was just Eva. Her dad didn't go.

22 **Q.** Was there anything else that you learned about this rescue  
23 when Ms. Idoni first sent you that message?

24 **A.** Well, I only knew that Joan was going to be rescuing, and  
25 that it was happening in D.C. I didn't have very many other

1 details.

2 **Q.** Do you remember how -- how many days before the event in  
3 D.C. that you received that message from Ms. Idoni?

4 **A.** It would have been really close. I don't remember the  
5 exact amount of days, because I remember not having much time  
6 to prepare to go on the trip.

7 **Q.** So walk us through what happens between the time you get  
8 that message from Ms. Idoni and before you get in the car with  
9 her and Eva Zastro.

10 **A.** Yes. I reached out to my ex-husband and asked if he was  
11 okay with me going. I arranged it so -- for work to make sure  
12 everything would work out with that. And then I packed my  
13 bags.

14 And the morning of -- the morning the day before the  
15 rescue, I met with Heather and Eva Zastro at a parking lot,  
16 like a meet parking lot where you can leave your car there, in  
17 Michigan. And then we drove. I got into their car and --  
18 into Heather's car, and we drove to D.C. from there.

19 **Q.** Do you remember how many days before the event in D.C.  
20 that was?

21 **A.** So, the day that we met at that park, park-and-drive.

22 **Q.** Right.

23 **A.** That was the day before the rescue, the morning of the day  
24 before.

25 **Q.** So did you, Eva Zastro, and Heather Idoni drive to D.C.

1 from Michigan?

2 **A.** Yes.

3 **Q.** Could you tell us about the conversations that you all had  
4 in the car as you were driving down here?

5 **A.** Well, I specifically remember Heather talking about Joan.  
6 And I remember her talking about her book. And I remember  
7 there was some dispute once we got closer to the location  
8 about what was about to happen. I just felt like I didn't  
9 have a lot of information.

10 And so -- but Heather just kept saying, oh, the Lord will  
11 lead us, the Holy Spirit will lead us. And so that's all I  
12 remember from the trip.

13 **Q.** How long was the car drive from Michigan to D.C.?

14 **A.** Well, we left early in the morning, and we got there  
15 around -- I think it was 5:00 or 6:00 p.m. It was the early  
16 evening. And we were at that house for what felt like a long  
17 time before other rescuers started showing up.

18 **Q.** So you drove straight to some home here in the D.C.  
19 area?

20 **A.** Yes. It was a pastor's house. I don't know who the  
21 pastor was. I had never been there before, never met him.

22 **Q.** Who knew where to come here in D.C.?

23 **A.** Heather had all the information. Me and Eva felt very out  
24 of the loop. I remember like we talked about it, like feeling  
25 very uncomfortable and not really sure what was going on.



1 Q. Did Heather give you any indication where she was getting  
2 her information from or how she knew where to go or where to  
3 go?

4 A. I saw that she had the information on her cell phone, but  
5 I didn't know where she was getting it from.

6 Q. During the drive down, did Heather Idoni indicate what she  
7 was planning on doing in terms of her participation in this  
8 rescue?

9 A. Well, she had indicated she wanted to be right next to  
10 Joan, and that like she just was so excited about that. But  
11 there wasn't a whole lot of other indications that I  
12 remember.

13 Q. And during the drive down, had you made a decision about  
14 what you were planning on doing?

15 A. During the drive down, I had not made a decision fully. I  
16 remember being very sure that I wasn't going to do it once I  
17 kind of saw the whole group together. I didn't really know  
18 what I was getting myself into. And I was kind of trying to  
19 just follow Eva Zastro's -- like whatever she did, I was  
20 doing. I was just kind of following her, because I felt like,  
21 oh, this girl's got it figured out, like I'll just emulate  
22 her.

23 And her dad didn't want her to do it, because there was  
24 Catholics involved, and so I tried to emulate that too, like,  
25 oh, like there's Catholics involved, and it's an eclectic

1 group and, okay, so I'm not going to do it.

2 Q. Why did that matter?

3 A. It's a really culty thing. Like for some reason a lot of  
4 Protestants, and in the group that I was a part of, what I  
5 used to believe is that Catholics aren't real Christians, but  
6 I don't believe that anymore.

7 Q. What do you believe now?

8 A. I believe that God sent his son for the whole world and  
9 that -- I do believe that. I don't know. I'm nervous to get  
10 too into religious stuff, but...

11 Q. Okay. So eventually you arrived here in D.C. with Eva  
12 Zastro and Heather Idoni?

13 A. Yes.

14 Q. You indicated you went to a pastor's home?

15 A. Yes. I didn't know his name, but it was a pastor and his  
16 wife.

17 Q. Do you remember what time you arrived in D.C.?

18 A. I think it was 5:00 or 6:00 p.m. It was like early  
19 evening. And I remember we got there way before everyone  
20 else, and it felt super uncomfortable, like the whole -- it  
21 was like they were still getting ready for the event, and we  
22 just kind of like barged in on them. That's how it felt.

23 Q. So this was the night before the actual event or the  
24 rescue that was taking place the next day; right?

25 A. Yes, this was the night before the rescue.

1 Q. When you arrived at that home here in the D.C. area, what  
2 was your understanding what was going to happen at this  
3 home?

4 A. Well, my understanding was that like once we were walking  
5 towards the house, Heather said that there was going to be a  
6 bunch of people arriving and that these were going to be some  
7 of the rescuers and maybe some extra people too that might not  
8 participate. And so we went in there, and she said we'll just  
9 fellowship for a while till everyone shows up.

10 Q. And do you know what was going to be discussed at this  
11 home?

12 A. I understood it was going to be prep for the rescue.

13 Q. Okay. Eventually, did other people arrive at the home?

14 A. Yes.

15 Q. All right. And was there a meeting that was had about  
16 what was going to take place the next day?

17 A. There was.

18 Q. I'd like to show you what's been marked as Government  
19 Exhibit 2015.

20 MR. PATEL: Your Honor, it's already been admitted  
21 into evidence. With your permission, can we publish it to the  
22 jury and the witness?

23 THE COURT: All right. Go ahead.

24 MR. PATEL: Confirming the jury can see this on  
25 their screen? Okay.

## Direct Examination - Davis

1 Q. (BY MR. PATEL) Ms. Davis, do you see Government  
2 Exhibit 2015?

3 A. Yes, I do.

4 Q. Do you recognize a person on that first page?

5 A. Yes, that's Jonathan Darnel.

6 Q. Do you see him in court today?

7 A. Yes, I do.

8 Q. Can you point at him and describe something he's wearing,  
9 please?

10 A. Yes. Jonathan Darnel is wearing a purple shirt, and he's  
11 wearing a black suit jacket. He has glasses on. He has brown  
12 hair. He has some facial hear.

13 MR. PATEL: Your Honor, will the record reflect an  
14 in-court identification of Defendant Darnel?

15 THE COURT: All right. So let the record reflect  
16 that she has identified Mr. Darnel.

17 Q. (BY MR. PATEL) Ms. Davis, was Mr. Darnel at this meeting  
18 that night before the rescue in D.C. the following day?

19 A. Yes, he was.

20 MR. PATEL: We can go to the second page.

21 Q. (BY MR. PATEL) Do you recognize this person on page 2?

22 A. Yes, that's Lauren Handy.

23 Q. Was she at this meeting?

24 A. She was. She led the meeting. And it seemed like  
25 Jonathan Darnel also was leading to some extent.

## Direct Examination - Davis

1 Q. Had you met Lauren Handy or Jonathan Darnel before you  
2 arrived here in D.C.?

3 A. No, that was my first time meeting them.

4 Q. Okay.

5 MR. PATEL: Next page, please.

6 Q. (BY MR. PATEL) Do you recognize this guy?

7 A. I do recognize him.

8 Q. Do you know his name?

9 A. I do not know his name.

10 Q. Was he at the meeting?

11 A. Yes, he was.

12 Q. Was there anything interesting that he said or was  
13 discussed about him?

14 A. There was. Many of the individuals felt uncomfortable  
15 with him rescuing, because he was a new convert, like a new  
16 Catholic. And people were worried that either he would do  
17 what I'm doing right now, or that he would become violent if  
18 people were violent to him.

19 Q. When you say "what I'm doing right now," what do you mean  
20 by that?

21 A. That he would take the stand and testify or take a deal or  
22 something like that.

23 Q. Who were some of the people at this meeting who had  
24 concerns about this individual?

25 A. Well, Heather Idoni was the person that I was hearing most

1 of the concerns from.

2 **Q.** Was there anybody else that raised some concerns that you  
3 might have even been sitting next to in this meeting?

4 **A.** Yeah, actually in that photograph, if my memory serves me  
5 correctly, those women were some of the women that seemed to  
6 be discussing whether or not it was a good idea for him to  
7 participate.

8 **Q.** When you say "those women," you mean the women to the --

9 **A.** Left.

10 **Q.** -- left of him in that photograph?

11 MR. MACHADO: Objection, speculation.

12 THE COURT: What's -- speculation about what?

13 MR. MACHADO: She thinks, she's not sure.

14 THE COURT: Not sure about what? The question was,  
15 "When you say 'those women,' you mean what?" She answered,  
16 "Actually in that photograph, if my memory serves me  
17 correctly, were some of the women that seemed to be discussing  
18 whether or not." So it's not clear to me what you're  
19 objecting to.

20 MR. MACHADO: I'll withdraw.

21 **Q.** (BY MR. PATEL) Do you remember what the -- the women in  
22 this photograph who were seated next to this man, do you  
23 remember what concerns they had at this meeting that they  
24 raised?

25 **A.** Yes, the concerns were whether or not he would become

1 violent or whether or not he would take a plea deal down the  
2 road if something went wrong and he couldn't handle the  
3 pressure. Like they weren't discussing it in those terms, but  
4 like that's what they meant.

5 **Q.** I'm going to draw a circle around one individual. Do you  
6 see that yellow circle I drew on the screen? It's to the  
7 person to the immediate left of the man depicted in this  
8 picture?

9 **A.** I do.

10 **Q.** There's a red circle around his picture, and I drew a  
11 yellow circle on the screen. Do you see that?

12 **A.** I do.

13 **Q.** Was that lady at the meeting?

14 **A.** I don't know. I'm not a hundred percent sure. She looks  
15 like the one that was sitting right next to her on the other  
16 side.

17 Joan Bell is the one I specifically remember. And there  
18 was multiple older women that all had the same kind of look to  
19 them. Joan Bell's the one that I remember specifically.  
20 Her -- I can't be a hundred percent sure. I don't know her  
21 name. It's one of those things, but...

22 **Q.** I'm drawing another circle around a woman to the far left  
23 in that photograph wearing a red shirt and a black mask. Do  
24 you recognize that person?

25 **A.** That looks like Joan Bell.

1 Q. Okay. I could have just waited until we got to page 3  
2 because here's that person with the red circle around their  
3 face. That's the woman seated to the immediate left of the  
4 man from the previous page; right?

5 A. Yes.

6 Q. You indicated you don't remember if she was at the  
7 meeting?

8 A. I just -- I just don't know her. She's not sticking in my  
9 memory, unfortunately.

10 Q. Do you remember her from the event at the clinic the  
11 following day?

12 A. I do.

13 Q. What do you remember seeing her doing at the clinic the  
14 next day?

15 A. Exactly what she's doing in that photo, whenever I looked  
16 into the -- into the abortion clinic and I saw her.

17 Q. What did you see her doing?

18 A. That, where she's sitting in the chair --

19 Q. Well, let's --

20 A. -- at the rescue.

21 Q. I need you to use -- I want you to --

22 THE COURT: You're talking over each other.

23 MR. PATEL: I apologize, Judge.

24 Q. (BY MR. PATEL) I want you to rely on your memory and tell  
25 the jury what you remember seeing her doing in the clinic that



1 day, on October 22nd at the Washington Surgi-Clinic.

2 **A.** Yes, I remember seeing her sitting in a chair, blocking  
3 the entrance to the back of the abortion clinic.

4 **MR. PATEL:** If we can turn to the next page.

5 **Q.** (BY MR. PATEL) Do you recognize the individual on this  
6 page?

7 **A.** I do recognize her.

8 **Q.** On the day of the event, she was wearing a blue bandana;  
9 is that correct?

10 **A.** She was.

11 **Q.** Do you remember seeing her at the meeting the night  
12 before?

13 **A.** If my memory serves me correctly, I do.

14 **Q.** What specifically do you remember about her from the  
15 meeting the night before?

16 **A.** Sitting in a chair.

17 **Q.** Do you remember her saying anything?

18 **A.** I don't remember.

19 **Q.** Do you remember if she was one of the individuals who  
20 voiced a concern about the recent convert who was on the  
21 second or third page of this exhibit that you saw?

22 **A.** I don't remember if she was specifically one of the  
23 individuals that did.

24 **Q.** Okay. Do you remember seeing her at the clinic the  
25 following day?

1     **A.** Yes.

2     **Q.** What do you remember seeing her doing?

3     **A.** I remember her walking around at one point, upstairs. And  
4     that was -- I also remember her before the rescue happened.  
5     So there was a meetup before the rescue happened very close to  
6     the abortion clinic, and I remember her being there as well.

7     **Q.** Okay. Move to the next page. Do you recognize this  
8     individual?

9     **A.** I do.

10    **Q.** Do you know his name?

11    **A.** I do now, but during the time of the rescue, I didn't know  
12    his name.

13    **Q.** Today, what do you know his name as?

14    **A.** John Hinshaw, I believe.

15    **Q.** Was he at the meeting the night before?

16    **A.** He -- I wouldn't be able to tell you for sure. I get him  
17    confused with another one of the defendants.

18    **Q.** He was at the clinic the following day; correct?

19    **A.** He was.

20    **Q.** What did you see him doing at the clinic?

21    **A.** I saw him sitting in a chair, blockading the doors to the  
22    back of the clinic as well.

23    **Q.** And who is this person?

24    **A.** That's Heather Idoni.

25    **Q.** She's the one you drove down from Michigan with?

## Direct Examination - Davis

1     **A.** Yes.

2     **Q.** She was obviously at the meeting?

3     **A.** She was.

4     **Q.** Do you remember what she did the following day at the  
5     clinic?

6     **A.** Yeah, she blocked the door to the -- I believe it was the  
7     abortion doctor's entrance into the clinic.

8     **Q.** Would that be the staff entrance?

9     **A.** Yes.

10    **Q.** Where is that located?

11    **A.** Outside the clinic in the hallway. So the abortion clinic  
12    was in a big medical facility like with multiple different  
13    offices for different things. And so it was on the fourth  
14    floor. And as soon as you come out of the elevators, the  
15    clinic staff entrance was right in front of that. And then  
16    you go to the left and then there was the abortion clinic  
17    entrance. And so she was on the outside of where everybody  
18    else was, that was blocking the doors to the abortion clinic.  
19    She was blocking, yeah, the staff clinic entrance.

20    **Q.** Do you recognize this individual?

21    **A.** I do.

22    **Q.** Do you know his name?

23    **A.** His name is William Goodwin.

24    **Q.** Was he at the meeting the night before?

25    **A.** I don't remember him being at the meeting the night

1 before, but I remember him being at the host home that we  
2 stayed at.

3 Q. That same evening?

4 A. That same evening.

5 Q. And then how about the following day?

6 A. Yes, he was there the following day.

7 Q. What did you see him doing at the clinic the following  
8 day?

9 A. Well, at the time I would get him confused with John, but  
10 I saw him up in the hallway standing next to Heather Idoni.

11 Q. And what was he doing while he was standing next to  
12 Ms. Idoni?

13 A. He was blocking the doors to the staff clinic entrance.

14 Q. Thank you.

15 MR. PATEL: Next page.

16 Q. (BY MR. PATEL) Do you recognize this person?

17 A. That's Joan.

18 Q. Is that the same person Heather Idoni spoke about before  
19 and as you were driving down to D.C.?

20 A. Yes.

21 Q. Do you -- do you know her first and last name, or do you  
22 just know her as Joan?

23 A. I've heard her whole name said so many times, and I feel  
24 like it's Joan Bell Ark or something, but I can never remember  
25 so I just refer to her as Joan.

1 Q. She was at the meeting the night before?

2 A. Yes, she was.

3 Q. She was at the clinic the following day participating in  
4 the rescue?

5 A. Yes, she was.

6 Q. Do you see her in court today?

7 A. Yes, I do.

8 Q. Can you point at her and describe something she's wearing,  
9 please?

10 A. Yes, she has bangs cut across, she's wearing a  
11 pinkish-colored shirt with a collar, and there's buttons, and  
12 her mask is hanging on the side of her face.

13 MR. PATEL: Your Honor, will the record reflect an  
14 in-court identification of Defendant Bell.

15 THE COURT: I'm assuming there's no objection to her  
16 identification?

17 MS. BELL: No objection.

18 THE COURT: All right. Let the record reflect that  
19 she's identified Joan Bell.

20 MR. PATEL: And move to the next page.

21 Q. (BY MR. PATEL) Here's the last page of this exhibit. Do  
22 you recognize this individual?

23 A. I do. That's Herb.

24 Q. Do you remember seeing Herb the night before at the  
25 meeting at the pastor's house?

1       **A.** Yes, I do.

2       **Q.** And he was there at the clinic the following day?

3       **A.** He was.

4       **Q.** All right.

5               MR. PATEL: We can take the exhibit down, please.

6       **Q.** (BY MR. PATEL) Now, besides the individuals that you  
7 identified being at the meeting in this exhibit that you just  
8 saw, was there anybody else you remember at this meeting?

9       **A.** Anyone else that I remember at the meeting, well, off the  
10 top of my head, I don't know.

11       **Q.** Were there more people at this meeting than just these  
12 individuals?

13       **A.** Oh, yes, there was a lot of people. I'm sorry.

14       **Q.** Generally, tell us about what happened at the meeting.  
15 What was the point of it?

16       **A.** The entire point of the meeting was to give everybody a  
17 rundown of what -- what is rescue and what the plan was, what  
18 the possible consequences could be, should you participate in  
19 a rescue, things like that.

20       **Q.** Who led the meeting?

21       **A.** It was mostly Lauren Handy, but Jonathan Darnel also  
22 seemed to be leading a little bit as well. He gave leadership  
23 vibes.

24       **Q.** So let's first talk about what Jonathan Darnel talked  
25 about at this meeting.

1     **A.** Yeah.

2     **Q.** What was it -- what was it about what he said that gave  
3     you leadership vibes?

4     **A.** Well, he came around -- he put a piece of paper in my hand  
5     and just said that everyone now is participating in the rescue  
6     needed to put their email on it. And I remember being like,  
7     well, if I'm not going to participate but just in case,  
8     because he said anything goes down, if anything gets crazy or  
9     emergency information needs to go out, he would send the  
10    email. So I was like, well, I want to be on that list just in  
11    case, so I put my email on it. Eva Zastro put her email on  
12    it. And it went around, I remember that.

13    **Q.** Was there any discussion about risking arrest --

14    **A.** Yes.

15    **Q.** -- for participating in this rescue?

16    **A.** Yes, there was.

17    **Q.** Tell us about that.

18    **A.** So once we got to the point of understanding what the  
19    consequences could be, there was basically a discussion about  
20    whether or not you wanted to go to jail or not go to jail. So  
21    if you were willing to go to jail, it's called risking arrest,  
22    in their terms, and the understanding was that you are risking  
23    the potential of being charged with trespassing, or FACE  
24    essentially. And so --

25    **Q.** You say -- I'm sorry, when you say "FACE," you mean that

1 federal law you talked about earlier?

2 **A.** Yes, the FACE Act.

3 **Q.** What would someone have to do -- based upon what was  
4 discussed at that meeting, what would someone have to do if  
5 they would be risking arrest?

6 **A.** Blocking the entrance one way or another to the abortion  
7 clinic.

8 **Q.** What was your understanding of the reason why Mr. Darnel  
9 handed out that piece of paper for people to write their names  
10 on, or their email address?

11 **A.** My understanding was that if there was going to be a  
12 situation of any kind or an emergency, like something happened  
13 that was unexpected, that he would be able to keep everybody  
14 in the loop. That's what I thought at least.

15 **Q.** Okay. What were some of the other things that were  
16 discussed? Let's talk about Lauren Handy. What did she talk  
17 about?

18 **A.** Yeah, so she initially talked about what rescue is, why  
19 rescue is done. And then she talked about the FACE Act. So  
20 she talked about when it came into being and what the  
21 potential downfall could be if you were charged with it. They  
22 talked about how rare it had been in the past to be charged  
23 with FACE. And most likely you would just be trespassed.  
24 They talked about if you participated in the blockading, you  
25 most likely would be arrested and you would go to jail that



1 day. Things like that.

2 They talked about using like the lock-and-block. Lauren  
3 basically said that if like the Spirit leads you to do that,  
4 then so be it. If not, you know, that's okay too. Same with  
5 going limp. There was like discussion in the group at the  
6 house meeting about those two things.

7 **Q.** What did -- what was the discussion about in terms of  
8 rescue, was there a -- sorry, let me rephrase the question.

9 Was there any conversation about what actually -- what a  
10 rescue actually is?

11 **A.** Yes.

12 **Q.** Tell us about that.

13 **A.** Lauren specifically just said that with rescue, it is  
14 their understanding of interposition, so interposing yourself  
15 in harm's way for the babies. So basically all based off the  
16 Bible is what it seemed like to me. Like Bible verses.

17 **Q.** And then as she explained the concept of rescue, was it  
18 woven into blocking the doors at the clinic the next day?

19 **A.** Yes. And just because like they -- they were saying like  
20 if you know a time and place where someone's going to be  
21 killed, then you're going to show up and, you know, defend  
22 them.

23 MR. PATEL: Your Honor, with your permission, I'd  
24 like to publish Government Exhibit 1009, which has been  
25 admitted into evidence.

## Direct Examination - Davis

1 THE COURT: All right.

2 MR. PATEL: Just want to --

3 Is there a -- why don't you pull it up.

4 Just want to confirm the jury can see this before we  
5 play? Okay.

6 (Video played.)

7 Q. (BY MR. PATEL) Did you see that individual that just kind  
8 of walked by behind the police officer and the woman in  
9 black?

10 A. Yes, that's Jonathan Darnel and Lauren Handy.

11 Q. Describe what Lauren Handy is wearing.

12 A. Lauren Handy is wearing a head scarf, it looks like and  
13 she's got a hood and she's wearing black.

14 (Video played.)

15 Q. (BY MR. PATEL) I'm going to draw a circle around -- we've  
16 paused it at the time stamp of 9:13:02 on this exhibit. I  
17 just drew a circle around somebody we can see the back of  
18 their head. Do you know who that is?

19 A. Yeah, that's me.

20 Q. Okay. Do you know what -- approximately what moment in  
21 time this was where you were captured on this officer's  
22 body-worn camera video?

23 A. Yeah, that was like right as the rescue was beginning. It  
24 was the very beginning of the whole event.

25 (Video played.)

1 Q. (BY MR. PATEL) Did you hear Ms. Handy explain what a  
2 rescue is in this video?

3 A. Yes.

4 Q. Was that consistent with what she was explaining at the  
5 meeting the night before?

6 A. Yeah, she was getting a lot of points across at the  
7 meeting, but yes, she did say that.

8 Q. So based upon what she says in this video and what she  
9 said at the meeting, was it your understanding that the plan  
10 was to block access to the clinic?

11 A. Absolutely.

12 Q. And to prevent patients from obtaining abortion care?

13 A. Yes.

14 Q. And the clinic from not being able to provide abortion  
15 care?

16 A. Yes.

17 MR. PATEL: If we can take the exhibit down.

18 Q. (BY MR. PATEL) Was there any discussion about the cost of  
19 rescue?

20 A. Yes.

21 Q. What does that mean and what is it?

22 A. Well, the cost of rescue, my understanding is that when  
23 you participate in a rescue, there's a high cost, meaning you  
24 could have to go to jail for a long time or you could have to  
25 pay a high penalty, just like Jesus paid a high penalty on the

1 cross for sin. So it's this like martyrdom thing, where you  
2 understand you're definitely going to end up going to jail at  
3 some point or things like that if you do this. You are  
4 breaking the law; therefore, you will pay the price.

5 Q. You also mentioned that there's some discussion about  
6 lock-and-block?

7 A. Yes.

8 Q. Tell us about that, please.

9 A. Well, the discussion at the meeting the night before  
10 seemed to just be that if you are going to lock-and-block,  
11 that was your decision. So if you wanted to use extra chains  
12 to try and buy time to stay in front of the doors longer, that  
13 was a Holy Spirit led decision kind of thing.

14 Q. Was there any talk about the point of delaying arrest or  
15 trying to prolong the blockade for as long as possible?

16 MR. MACHADO: Objection. Leading.

17 THE COURT: Sustained.

18 Q. (BY MR. PATEL) Was there any discussion -- what, if  
19 anything, was discussed about prolonging the event?

20 A. Yeah, it -- well, my understanding was simply that with --  
21 when it comes to prolonging the event, it was try to engage  
22 police officers if you're given that opportunity. And there  
23 were certain individual who were specifically going to do  
24 that. And that generally buys time at a rescue, from my  
25 understanding. As well as the lock-and-block option or the

1 going limp option.

2 And I'm not sure if there was any others. Oh, actually  
3 there is one more technique I'm familiar with. If you have  
4 more people, and in the rescue movement they're now calling  
5 them blowfish, which is individuals who are not willing to  
6 risk arrest, but want to look like they're going to risk  
7 arrest, because then the police are looking at it like, oh,  
8 it's more paperwork, it's more of a process to have them taken  
9 away and taken to jail. But then those individuals actually  
10 leave the vicinity once the second or third warning is given  
11 that they're going to arrest.

12 **Q.** Was there any conversation about these warnings being  
13 given --

14 **A.** Yes.

15 **Q.** -- prior to arrest? I'm sorry.

16 **A.** Yes. The understanding was that there would be an  
17 individual who would go around, if you were in the hallways or  
18 in the elevators, at some point someone would tell you, hey,  
19 the police are giving an arrest, they're giving out warnings  
20 for the arrest, you need to get out of the building.

21 So if you weren't going to risk arrest, and you heard the  
22 police giving out a second or third warning, you should get  
23 out of the building. That was the understanding.

24 **Q.** Did either of -- did either Lauren Handy or Mr. Darnel ask  
25 for people to volunteer to block the doors?

1     **A.** Well, they asked who is going to.

2                 MR. DAVIS: Objection, Your Honor, as to "they."

3     **Q.** (BY MR. PATEL) Who specifically?

4                 MR. PATEL: I'm sorry, Your Honor, I'll let you rule  
5 first.

6                 THE COURT: I think he's correct, you need to be  
7 more specific.

8     **Q.** (BY MR. PATEL) Who specifically talked about that?

9     **A.** So at the meeting, I just remember -- it was either Lauren  
10 Handy or Jonathan Darnel. I'm not sure. I don't remember  
11 which one. But someone got up and said who -- raise your hand  
12 if you're going to risk arrest. And that was at the meeting  
13 the night before.

14    **Q.** Do you remember if anybody raised their hands?

15    **A.** Yeah, all the people that we've seen in the photos so far  
16 raised their hands that were at that meeting.

17    **Q.** So all the people you remember at the meeting who were in  
18 that Government Exhibit 2015 that I showed you earlier with  
19 photos, they all raised their hands?

20    **A.** Yes.

21    **Q.** When it came to discussing individuals volunteering and  
22 risking arrest, was there any talk about the FACE Act?

23    **A.** Yes.

24    **Q.** Can you tell us about that?

25    **A.** So Lauren Handy explained what the FACE Act was and --

1 from my memory, what it was, how it came into being and what  
2 it would mean if you were found guilty of committing the FACE  
3 Act.

4 **Q.** Did anyone at the meeting volunteer to use locks and  
5 chains?

6 **A.** Yes.

7 **Q.** Can you tell us who it was and just tell us about kind of  
8 how that conversation involved?

9 MR. MACHADO: Objection.

10 THE COURT: Keep your voice up.

11 MR. MACHADO: Objection. Compound.

12 THE COURT: I don't know whether it's compound.  
13 It's locks and chains. You mean in terms of separating locks  
14 and chains? Is that what you're asking?

15 MR. MACHADO: He said who it was and then he asked  
16 about what -- a description of it.

17 THE COURT: All right. You can break it down in  
18 terms of who it is that had -- who volunteered to do this.

19 **Q.** (BY MR. PATEL) Do you -- do you remember who it was that  
20 volunteered to use locks and chains?

21 **A.** I do not specifically remember who.

22 **Q.** Do you remember what the conversation was about  
23 volunteering to use locks and chains?

24 **A.** I remember hearing the conversation about it. I even  
25 remember the general vicinity of the room that I heard the

1 conversation take place, but I don't remember the individuals  
2 that said what they said, because I didn't really know them at  
3 the time. This was my first time meeting almost all of  
4 them.

5 **Q.** How focused were you on the things that were being  
6 discussed at this meeting?

7 **A.** I was pretty spaced out, actually, only because I knew I  
8 pretty much -- I almost was a hundred percent sure I wasn't  
9 going to be participating in the blockading. And so I just  
10 didn't feel like the necessity to really pay attention. And I  
11 have ADHD, so I'm pretty, you know...

12 **Q.** Do you remember if anybody talked about the clinic  
13 layout?

14 **A.** Yes. That would have definitely taken place more so the  
15 next day --

16 **Q.** Okay.

17 **A.** -- at the meeting before we went over to the clinic. I  
18 remember them talking about that more in depth, just because  
19 of my part that I played.

20 **Q.** How about a fake appointment being made?

21 **A.** Yes. My understanding was that a fake appointment was  
22 going to be made to get the door opened so everybody could go  
23 inside.

24 **Q.** Who was the one that talked about this fake appointment?

25 **A.** Lauren Handy, from my memory.



1 Q. Do you remember what she said was the reason for making  
2 that fake appointment?

3 A. To get the door opened so people could go inside. So  
4 someone would open the door thinking they had the appointment  
5 and then they would rush them.

6 Q. Well, are there any other reasons why there would -- that  
7 people in -- whether it's in the pro-life movement or these --  
8 this group that had assembled for this D.C. event, why they  
9 would make fake appointments, other than just accessing the  
10 clinic?

11 A. Yeah --

12 THE COURT: You made a very confusing question. You  
13 need to shorten it.

14 MR. PATEL: Yup. Yes, Your Honor.

15 Q. (BY MR. PATEL) Are there any other reasons why a fake  
16 appointment would be made?

17 A. Yes.

18 MR. MACHADO: Your Honor, just objection to the  
19 form. Is he talking about her experience or what was said at  
20 the meeting?

21 THE COURT: If you want, in terms of which -- how  
22 you're focusing on it, Mr. Patel, in terms of the meeting, how  
23 she considered it, just put it in the correct context.

24 MR. PATEL: Yes, Your Honor.

25 Q. (BY MR. PATEL) Initially, based upon your experience, are

1 there other reasons why people in the pro-life movement would  
2 make a fake appointment?

3 **A.** Yes. My understanding is when you make fake appointments,  
4 you're booking up time slots and guaranteeing that an abortion  
5 will not happen at that time.

6 **Q.** Was that your understanding another reason why a fake  
7 appointment was made by Ms. Handy for the event that was going  
8 to take place the following day?

9 **A.** That was my understanding.

10 THE COURT: Keep your voice up, Mr. Patel.

11 MR. PATEL: I'm sorry, Your Honor.

12 If I can have just one moment, Judge.

13 THE COURT: Sure.

14 **Q.** (BY MR. PATEL) At this meeting, was there any  
15 conversation about the importance of having people both inside  
16 and outside of the clinic?

17 **A.** There was, yes.

18 **Q.** Can you tell us about that, please?

19 **A.** When we were discussing it, we just kind of -- I remember  
20 Lauren just saying it's important that we have people outside  
21 counseling the moms, and in the hallways kind of monitoring  
22 the situation as well as people blocking the doors.

23 **Q.** Were there -- at this meeting, did it seem as though there  
24 were defined roles for people to play at the event the next  
25 day?

1     **A.** There definitely were defined roles, yes.

2     **Q.** When were those roles kind of assigned to people, was it  
3     that day or the meeting before the walk over to the clinic?

4     **A.** I remember my role being assigned to me the day of when we  
5     were out front. We were outside, a couple -- I felt like we  
6     were a couple blocks away from the abortion clinic.

7     **Q.** So why don't you -- let's fast-forward, let's jump forward  
8     to the next day. Was there a time that was agreed upon where  
9     everybody was going to meet up before the clinic blockade was  
10    going to take place?

11    **A.** There was. I don't remember the exact time. But it was  
12    early in the morning, and it was before the abortion clinic  
13    opened. So --

14    **Q.** Was there an agreed-upon location where everybody would  
15    meet?

16    **A.** Yes. It was a couple blocks away from -- like it was  
17    walking distance from the abortion clinic.

18    **Q.** How far was it from where you had stayed the night  
19    before?

20    **A.** I do not remember the distance, but it was a drive.

21    **Q.** Well, where you stayed, you mentioned earlier there was a  
22    host house?

23    **A.** There was.

24    **Q.** Was -- who else stayed at the host house?

25    **A.** So I remember William Goodwin stayed at the host house,

1 Heather Idoni. I remember Joan was at the host home, if my  
2 memory serves me right. Eva, Zastro, me. Jonathan Darnel did  
3 not stay there. Lauren Handy did not stay there. Herb  
4 Geraghty, I think is how you say his name, he did not stay  
5 there either. But everybody else, from my memory, was  
6 there.

7 **Q.** And then did everybody depart that host home the next day  
8 to meet up at the agreed-upon location?

9 **A.** Yes.

10 **Q.** And do you remember what time it was that everyone was  
11 supposed to meet?

12 **A.** I don't remember the exact time. It was just early in the  
13 morning, before the clinic opened.

14 **Q.** Tell us about what happened at the meetup --

15 **A.** Yes.

16 **Q.** -- the next morning.

17 **A.** Sorry.

18 Yes, we were just kind of given instructions, last-minute  
19 instructions. We were reminded of a few things. I remember  
20 the block -- the lock-and-block materials were in a bag. And  
21 they kind of talked about that. The people who were going to  
22 use them.

23 It was a lot of private discussions and then some basic  
24 overview, a reminder, and then like a run-through, just basic  
25 last-minute prep of what was going to happen.

## Direct Examination - Davis

1 Q. So talk -- tell us about the run-through.

2 A. Man --

3 MR. MACHADO: Objection to the form. Just vague.

4 THE COURT: I'm not sure. She indicated that they  
5 had a run-through. He simply has asked her to describe what  
6 it is.

7 MR. MACHADO: Okay.

8 THE COURT: Go ahead and answer.

9 A. So the run-through would have been going over -- it was  
10 going over like where things were -- the layout of the clinic,  
11 and then who was going to be where. So I remember being told  
12 to be -- that I could be in the elevators, just going up and  
13 down.

14 And I mostly focused in on my part. But my understanding  
15 was the rescuers were going to go over first and then everyone  
16 else would follow suit after that.

17 Q. (BY MR. PATEL) What was your job?

18 A. To be in the elevators.

19 Q. And did you have any specific duties when you were in the  
20 elevator?

21 A. Right, yeah. In the elevators, I was supposed to talk to  
22 anyone who pressed on the fourth floor, indicating that they  
23 were going to the abortion clinic. So if it looked like it  
24 was a mom, potentially, or a patient, I was supposed to, you  
25 know, try and talk them out of it, offer them help and loudly

1 tell them my beliefs.

2 Q. Do you know what Joan Bell's job was or what she had  
3 volunteered to do?

4 A. I knew she was going to rescue before I got there, just  
5 from Heather Idoni.

6 Q. Do you know what Lauren Handy's job was during this  
7 event?

8 A. Well, from what I saw, she was the organizer. I had  
9 noticed that she talked to the police a lot. But I didn't  
10 personally see her blocking doors, but -- yeah, she seemed  
11 like the one that was running the show.

12 Q. And how about Jonathan Darnel?

13 A. He also seemed like a co-show runner, from my  
14 perspective.

15 Q. So once this run-through occurred, what happened next?

16 A. So after that, the rescuers went over, and we kind of just  
17 trickled like over to the clinic. It kind of felt like a  
18 slow -- from my perspective, it felt kind of slow moving, like  
19 wasn't sure exactly what was happening. But once I got over  
20 there, I know I was outside for a little bit, and eventually I  
21 assumed my position in the elevator.

22 Q. So were there groups of people that went over kind of in  
23 waves after the meeting -- the meeting occurred, I guess at  
24 the meetup location before the clinic opened?

25 MR. MACHADO: Objection. Leading.

1 THE COURT: It's in between. I think you also have  
2 added a bunch of different things in here. You need to make  
3 it a shorter question.

4 Q. (BY MR. PATEL) Were there -- were there groups of people  
5 that went over to the clinic at different times?

6 A. That's what it looked like to me, like a trickle of  
7 people.

8 Q. Who were -- what was the first group? What was their job  
9 when they went over?

10 A. My understanding was the first group was going to be the  
11 person with the appointment and the rescuers.

12 Q. Do you remember what group you were in?

13 A. I felt like I was at the very last, like I was -- the  
14 people that weren't going to be blockading, so the sidewalk  
15 counselor group.

16 Q. Before the groups disbanded, did anybody take a picture?

17 A. Yes. We had a group photo in the meetup location a couple  
18 blocks from the abortion clinic when we were -- that morning,  
19 before the rescue took place.

20 Q. I'd like to show you what's been marked as Government  
21 Exhibit 3005.

22 MR. PATEL: Your Honor, with your permission, it's  
23 been admitted, I'd like to publish it.

24 THE COURT: Yes. Go ahead.

25 Q. (BY MR. PATEL) Is this the group photograph that was

1 taken --

2 MR. PATEL: I just want to confirm the jury can see  
3 this? Okay.

4 Q. (BY MR. PATEL) Is this the group photograph that was  
5 taken before the group started to walk over to the clinic?

6 A. Yes.

7 Q. You're in this photograph?

8 A. Yes. I'm in the back in the orange skirt.

9 Q. Can you just draw a circle around your face?

10 A. Sure. (Indicating.)

11 Q. All right. And one other question --

12 MR. PATEL: We can take this exhibit down.

13 Q. (BY MR. PATEL) One other question I want to ask you  
14 before we talk about what actually happened over at the  
15 clinic. Did somebody bring the locks and chains to this  
16 location where everyone met up before the walk over?

17 A. I saw the locks and chains in the possession of one of the  
18 ladies that was in the photo. But I can't remember her name.  
19 But I could point her out.

20 MR. PATEL: If we can put the exhibit back up,  
21 please.

22 A. It's the lady in the sunglasses. You want me to draw a  
23 circle?

24 Q. (BY MR. PATEL) You can draw a circle around her.

25 A. (Indicating.)



1 Q. So she's the one who brought the locks and chains to this  
2 location?

3 A. I saw them in her possession in a bag. Whether or not she  
4 brought them there, not sure.

5 Q. Do you know who took them over to the clinic when the  
6 first group went over?

7 A. I'm not sure.

8 MR. PATEL: You can take the exhibit down.

9 Q. (BY MR. PATEL) Tell us about what happened when you got  
10 to the clinic.

11 A. When I got to the clinic, I know I was outside for a  
12 little bit, and eventually I was told it was okay to go  
13 inside. So I remember walking in. And I was kind of hanging  
14 around out around Joan's -- I think they're her children. And  
15 eventually I hopped into -- I hopped into the elevator. And I  
16 kind of stayed there for a while, went up and down with  
17 different individuals, police officers, things like that.

18 THE COURT: We probably should stop at some point.  
19 It's about 10 of. I just want you to figure out where you  
20 want to stop in your questioning.

21 MR. PATEL: This is probably a logical time to stop,  
22 Your Honor.

23 THE COURT: All right. Then let me excuse you for  
24 this evening. And we'll try very hard to promptly start  
25 tomorrow at 9:00. I'm going to stop at 11:00 o'clock in terms

1 of I have a -- I realize that you get the extra time, but it  
2 does make the trial longer. I'm the chair of the District of  
3 Columbia Commission on Judicial Disabilities and Tenure, which  
4 does appoint- -- re-appointments of the local courts and  
5 complaints. And they have monthly meetings, and it's very  
6 hard to get all these people to move the meeting. So it's  
7 done on a specific day each -- and it's the second Tuesday.  
8 So I'm sorry that although you get to do what you want for the  
9 day, it does make the trial longer. But it is something that  
10 I need to do.

11 So tomorrow we'll start at 9:00. We'll finish at 11:00.  
12 And then we'll see where we are at that point in terms of the  
13 next day. But the next day will be a full day.

14 Why don't you wait a second.

15 (Jury left the courtroom.)

16 THE COURT: All right. Let me excuse you at this  
17 time. Make sure you don't talk to anybody else. I want to  
18 make sure nobody talks to her or goes near her, okay, or  
19 you're going to be in trouble with me. No --

20 MR. PATEL: Your Honor, with your --

21 THE COURT: Excuse me.

22 No contact.

23 MR. PATEL: With your permission, we'd like to have  
24 some limited contact with the witness because she's scheduled  
25 to travel back home today, but we need to make arrangements.

1 THE COURT: I don't have any problem with discussing  
2 travel arrangements, but not through testimony.

3 MR. PATEL: Thank you.

4 THE COURT: All right. Do we have anything coming  
5 up, anything that you think is going -- you're going to be  
6 sending me or any motions in limine or anything else, just so  
7 I have some notice?

8 Defense counsel, anything from you all?

9 MR. MACHADO: No, Your Honor.

10 THE COURT: Okay. So we have -- we finish with her,  
11 and then we have one other witness.

12 MR. PATEL: Yes.

13 THE COURT: And then presumably at that point -- I  
14 don't know where we'll -- obviously it's not going to get all  
15 of that done tomorrow. And then the next day. And I assume  
16 on Thursday we will be discussing, you know, what's going to  
17 happen with the defense case. But we can discuss it a little  
18 bit --

19 MR. BRENNWALD: Your Honor, I think what -- I think  
20 what all of us were thinking, or maybe it's just me, is that  
21 if we finish the evidence tomorrow, we can probably -- we  
22 might have time to discuss jury instructions, or may not. I  
23 know that you've already given instructions in the last trial,  
24 so I'm guessing they won't change.

25 Anyway, I think we're thinking that we can go to

1 closings on Thursday and instructions and go from there.

2 THE COURT: Well, I guess the question is that I  
3 thought at least Ms. Marshall had a witness, no?

4 MR. MACHADO: Your Honor, she has decided not to  
5 call the witness.

6 THE COURT: Okay. I realize that things can change.  
7 I will make an inquiry at some point. I won't have  
8 time tomorrow because we'll want to get -- use all of the  
9 testimony. But I will make an inquiry of each of them just to  
10 make sure they're making their own voluntary decisions about  
11 whether they want to testify or not.

12 As of today, from counsel, and from Ms. Bell, are  
13 people thinking of testifying or not, just for planning  
14 purposes?

15 MR. BRENNWALD: Not for Ms. Bell.

16 MR. MACHADO: At this point, Ms. Marshall is not  
17 going to be testifying.

18 THE COURT: All right.

19 MR. DAVIS: At this point, no.

20 THE COURT: Okay. We have, I believe, sent you the  
21 jury instructions. We'll go over them to make sure --  
22 probably tomorrow afternoon while I'm gone, to make sure all  
23 of the additional things that we've -- there's been the one  
24 about the motion in limine with Ms. Holler, make sure that  
25 some other things go in.

1           We will add -- which we ultimately did because of a  
2       question from a juror in the last trial, we will add it to the  
3       discussion of definitions. So we'll add that if we haven't  
4       already.

5           (Discussion off the record.)

6           THE COURT: Okay. But have we sent them the full --  
7       the whole thing again?

8           Okay. So you've got them from the last trial, which  
9       is probably most of it. I'll take a look. We've had a couple  
10      things that have been stricken, just to make sure everything  
11      is correct. And if you think of something that's not in there  
12      that you think needs to be put in because of this trial,  
13      please let me know. And we have a note as to what we were  
14      going to add. So you should have all of that.

15           So there's only a couple things that we've thought  
16      that we needed to add. That one definition, which I think  
17      needs to be -- excuse me, needs to be put in this last jury  
18      instruction. So I can't think of anything else off the top of  
19      my head, but I'll look. But we'll go -- we'll have a  
20      discussion about them just to make sure. You know, you're all  
21      certainly allowed to raise any issue.

22           MR. BRENNWALD: Aside from if the defense doesn't  
23      put on a case at all, is there any reason not to go to  
24      closings on Thursday?

25           THE COURT: If we get everything done tomorrow, yes,

1 I don't -- my recollection of her -- of Ms. Davis's testimony  
2 is there's some more to come. And then I don't know what  
3 you're going to do about cross. And then you -- the last  
4 witness is the other clinic employee. If we can get it all  
5 done. I really do have to stop at 11:00 though, to get over  
6 there.

7 MR. PATEL: Judge, if I was to forecast, we won't --  
8 we won't be done by 11:00 o'clock tomorrow. I just wanted to  
9 confirm we would be sitting for two hours tomorrow. And in  
10 terms of planning, if I -- if Ms. Davis is off the stand by  
11 10:00, 10:30, you would -- you want us to have our next  
12 witness ready to go.

13 THE COURT: I would -- we should move. I mean, I  
14 think the jury is just as happy to move this along and have  
15 the case finish shorter.

16 MR. PATEL: Yes, Judge.

17 THE COURT: So I would have -- I would have her  
18 ready.

19 MR. PATEL: Okay.

20 THE COURT: We'll know better tomorrow. I try and  
21 do -- you know, we have to have some discussion of the jury  
22 instructions. So I would just ask if you want to look through  
23 them to see if there's something you wish to specifically add  
24 or, you know, raise. Although I think I -- we had originally,  
25 you know, discussed most of the objections that had been made

1 originally, because they were sent out to all of you, not just  
2 to the first trial group. So unless there's something  
3 additional that we haven't discussed, the discussion of the  
4 jury instructions should be pretty quick.

5 I try and do jury -- closings all at -- you know, on  
6 one time so we're not having part one day and the rest of it  
7 the next day, if we can help it. Okay. We'll see where we  
8 are.

9 MR. BRENNWALD: All right. Thank you.

10 THE COURT: All right. Parties are excused.

11 (A recess was taken from 4:59 to 5:05 p.m.)

12 THE COURT: All right. Do we have the rest of the  
13 people? They're bringing a Marshal up, so let me wait till  
14 that, because they need to hear. They need to do something.  
15 Unfortunately, we have a lot of trials going at this time.  
16 And part of it -- I don't know, other criminal trials. So  
17 we're sort of low on Marshals. For the first trial we did add  
18 some additional court security people because we were having  
19 so much trouble. But for this one we've had slightly fewer  
20 problems, although not totally. So they didn't -- you know,  
21 they didn't send somebody up. Because we'd had somebody  
22 outside the door so we wouldn't have as much trouble in terms  
23 of when people left. But we can wait a second.

24 I'm sorry to make you wait. I do want to hear it  
25 with the Marshal is present, because we have had discussions

1 with them in terms of what needed to be done, so I'd prefer to  
2 have -- rather than having them hear things secondhand, I'd  
3 rather they heard it firsthand.

4 But do you have to be someplace else?

5 MR. BRENNWALD: Your Honor, if you don't mind, I'm  
6 tired of sitting.

7 THE COURT: No, that's fine. No problem.

8 All right. We've had a problem in terms of one of  
9 the witnesses, if you could come up to the podium for a second  
10 and identify yourself, who you are.

11 AGENT BISCARDI: Good afternoon, Your Honor. My  
12 name's Special Agent Mike Biscardi with the FBI. I was  
13 testifying in this case as well as being one of the case  
14 agents on the matter in question.

15 THE COURT: Okay. So I understand there was an  
16 incident?

17 THE WITNESS: Yes, Your Honor. So I was scheduling  
18 transport for -- to get Ms. Davis back to her hotel. And when  
19 I was coming back into the courtroom, one of the members of  
20 the gallery, as I was halfway through the door -- I apologize,  
21 I didn't get a great look at her -- but basically she said,  
22 you testified against some very good people. And then  
23 something along the lines of the effect, they would have  
24 defended you, to which point I kind of just brushed it off as,  
25 you know, that's fine, whatever, kept it moving.



1           But given kind of the climate and things that other  
2 witnesses have experienced in this case and the prior case, I  
3 just want to bring it to the Court's attention and get it on  
4 the record, given your concerns you've previously expressed as  
5 well.

6           THE COURT: All right. So where did it happen,  
7 outside or on your way in?

8           THE WITNESS: Right as I was walking into the outer  
9 door of the courtroom, Your Honor.

10          THE COURT: So did the person come from the gallery  
11 or were they already outside?

12          THE WITNESS: They were already -- this was a few  
13 minutes after you had adjourned for the day, Your Honor. So I  
14 was coming back from the witness rooms, and there was a large  
15 congregation of people that were in the gallery, you know, I  
16 think intermixed with some of the defendants, possibly some of  
17 the counsel.

18          And so I just kind of say "excuse me" to get around  
19 them so I can hang a left to get through that outer door into  
20 the courtroom, because I wanted to meet with counsel before I  
21 left for the day with the witness. And so that's when it  
22 occurred, as I was kind of already turned and walking in as  
23 the door was open.

24          THE COURT: Can you identify the person?

25          THE WITNESS: It would be a little bit hard for me.

1 It was one of the older Caucasian females that's been in the  
2 gallery this whole time.

3 THE COURT: Okay. If you saw her again, would you  
4 be able to recognize her?

5 THE WITNESS: It would be tough, because I heard the  
6 voice. I didn't fully see, there was a crowd of people, and I  
7 was already kind of turned. I'm not sure if they're willing  
8 to identify themselves, but again I just wanted to bring it to  
9 your attention with the issues we've been having with  
10 witnesses.

11 THE COURT: All right. Thank you.

12 We need more people -- we need a CSO or something up  
13 here. I'm not going to have this keep happening. And, you  
14 know, he's from the FBI, but we've had to wait for the  
15 witnesses and make sure that I say something to them to make  
16 sure nobody says anything. We had three incidents for the  
17 last trial. I realize you all are short, but somebody's got  
18 to hang out, be around the back there or something. We always  
19 have somebody in here.

20 MR. ESPINAL: Good afternoon, Your Honor. This is  
21 Judicial Security Inspector Angel Espinal. I was told that a  
22 female district security officer, I believe, was here earlier?

23 THE COURT: We've had somebody inside the Court, so  
24 within the courtroom. It's worked, more or less.

25 MR. ESPINAL: I understand.

1 THE COURT: So we haven't had an incident where  
2 somebody has said something like last time, as the witness was  
3 leaving. We've managed to not have that happened. But we did  
4 have, evidently right outside -- if you could -- we had a CSO  
5 at the last one, sort of hanging out outside there, outside  
6 the door, so people -- you know, whoever went out got outside  
7 the thing, didn't wind up having somebody say something to  
8 them. But we had something earlier. I'm trying to remember  
9 what it was.

10 Ms. Ross, you brought it to my attention.

11 MR. ESPINAL: Judge, we definitely can add  
12 additional personnel to the courtroom.

13 THE COURT: Yeah, the courtroom seems to be working  
14 better than it did, partly because I don't -- I tell people  
15 not to leave until the witness gets out, and they've been  
16 surrounded, like three people that goes out with -- especially  
17 the lay witnesses, because they've been the problem the last  
18 time. But if somebody could sort of from time to time float  
19 in. And I realize you've got, in the back outside, because  
20 that's evidently on his way in, is when it happened. You  
21 know, just from time to time to check.

22 MR. ESPINAL: I understand, Your Honor.

23 THE COURT: I appreciate it. As I said, I realize  
24 that you all are very tight with all of the cases we've got.  
25 But if they would float in and out, I think people see them

1 and they recognize them as security people, so they're less  
2 likely to do something.

3 MR. ESPINAL: Yes, Your Honor. I agree.

4 THE COURT: Thank you.

5 All right. Was there something -- we had something  
6 earlier, though, I thought.

7 MS. ROSS: Yes, Your Honor, there was the incident  
8 with Ms. Jones as she left the courtroom.

9 THE COURT: Okay. Excuse me, Mr. -- Marshal  
10 Espinal.

11 If we could get him back. I just wanted to bring  
12 the one other thing we've had in this trial.

13 MS. ROSS: And, Your Honor, that actually isn't the  
14 only thing, either. Mr. Patel and I also have had comments  
15 said too. As members of the Court, we didn't necessarily feel  
16 it was pertinent to bring to your attention, but there have  
17 been multiple incidences outside the courtroom. So I think it  
18 would be nice to have additional security out there as well.

19 THE COURT: Okay. And Ms. Jones was one of the  
20 laypeople who -- and where was she -- where did they --

21 MS. ROSS: That's right, Your Honor, Ms. Jones was  
22 the first witness who testified. She was leaving the  
23 courtroom and was right outside of the door is my  
24 understanding, but that was somebody who actually followed her  
25 out.

1 THE COURT: Right.

2 MS. ROSS: Out the doors.

3 THE COURT: And got a picture of her?

4 MS. ROSS: -- but either way. Exactly.

5 THE COURT: All right. So if we could have -- you  
6 know, in the courtroom seems to be in better shape than it  
7 was. We seem to have no incidents within here that I know of.  
8 But outside, if we could have a CSO float out from time to  
9 time, it would be helpful. I realize you don't know when I  
10 take breaks, which makes it more difficult.

11 MR. ESPINAL: Yes, Your Honor, we can accommodate  
12 the Court.

13 THE COURT: Thank you very much.

14 All right. I would suggest, to the extent any of  
15 you as defendants have any influence over people who have come  
16 to support you, kindly say something to them. This is not the  
17 way to act. Okay. People should be able to testify and say  
18 things without anything. I'm not blaming you in any way,  
19 okay. But if you -- you know, if there are people here in  
20 support, do encourage them not to do anything, okay. It's  
21 just -- it's not an appropriate way of, you know, conducting  
22 business in judicial business in terms of doing things, to try  
23 to talk to witnesses or to create -- everybody's doing their  
24 job in terms of whether it's the agent or whether it's the  
25 attorneys, and, you know, the witnesses come and they testify.

1 It's hard to get people to come and testify. You know, let's  
2 not make this any worse. Particularly, since we've got a  
3 third trial. We've already had problems with the first one.  
4 So I would just ask -- you know, at some point I'm going to  
5 start issuing show causes for contempt.

6 All right. Parties are excused.

7 MS. ROSS: Thank you, Your Honor.

8 (The proceedings were concluded at 5:16 p.m.)

9  
10 I, Christine Asif, RPR, FCRR, do hereby certify that  
the foregoing is a correct transcript from the stenographic  
11 record of proceedings in the above-entitled matter.

12 /s/  
Christine T. Asif  
13 Official Court Reporter  
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